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SUBJECT: TAJIK NGO LAW NOT AS BAD AS IT COULD HAVE BEEN~BUT STILL NOT GREAT

REF: Dushanbe 262

11. (SBU) Tajikistan finally has an official new law on non-governmental organizations. After multiple drafts, months of negotiations and parliamentary discussions, diplomatic interventions and civil society hand-wringing, President Rahmon signed the Law on Public Associations May 12. However, the final version was not considered official -or available to the public -- until published in a state-run Tajik language newspaper May 19. The official Russian version has not yet been released.

12. (SBU) The new law took into consideration a number of concerns post and other donors had actively raised with the government:

-- It eliminated the proposed requirement that international NGOs such as Mercy Corps, CARE, Internews, and other long-time U.S. implementing partners, register with both the Ministry of Foreign Affairs and the Ministry of Justice. Given that administrative red tape is a favorite Tajik government tactic to stall or unofficially to deny organizations the ability to operate, this leaves the bureaucratic hurdles some organizations will face the same as before.

-- The parliament removed a proposed requirement that any organization manager be a Tajik citizen, which would have effectively eliminated expat leadership from the bigger organizations. There are fewer restrictions on the rights of foreign citizens to participate in public association.

-- The final version no longer gives the government unlimited access to all NGO training programs and internal meetings, but still allows authorities access to "mass events" (undefined).

-- The "registering authority," in most cases the Ministry of Justice, cannot suspend the activities of an NGO without a court order, and investigations of violations should be conducted through the prosecutors' offices.

-- The final version also eliminated a "territorial" requirement in the draft that in some cases would have meant that an organization would need to register in each individual district.

13. (SBU) However, some remaining provisions still raise concerns:

-- A broad range of grounds for denying registration to a public association, which would allow bureaucrats and security services

to refuse registration without much explanation.

-- For international NGOs, all full-time staff -- international and local -- must be accredited with the Ministry of Foreign Affairs after the organization is registered. Given the Ministry's lack of organization, this adds yet another administrative requirement for our implementing partners.

-- Unregistered organizations are not allowed to conduct any activities until they have been fully registered. This would affect National Democratic Institute, which has been operating without registration for its entire tenure in Tajikistan.

¶4. (SBU) Under the new law, all public associations and non-governmental organizations must re-register with the Ministry of Justice, free of charge, by January 2008. Muatar Kahdirova, of the International Center for Non-Profit Law noted that the new law took into account many of the comments conveyed to the parliament by her organization and others. However, she anticipated that some of the wording would leave international NGOs open to greater scrutiny by the Ministry of Justice and the Ministry of Interior.

¶5. (SBU) COMMENT: Although local organizations did little to advocate for themselves, Post worked very hard to make the Tajik government understand the ramifications of the restrictive draft law for international groups. We are pleased the government incorporated a number of suggestions into the final version, but the NGO saga is far from over. The overall operating environment has not changed; nor have many of the ministries making life hard for our implementing partners. We anticipate we will need to continue to engage the government on the importance of non-governmental organizations for strengthening civil society and promoting economic stability. END COMMENT.

JACOBSON